Attorney Docket No: 0081-106001

S/N 10/684,132 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yiping Ding, et al Examiner: Aditya S. Bhat

Serial No.: 10/684,132 Group Art Unit: 2863

Filed: October 10, 2003 Docket No.: 0081-106001

Title: SYSTEM AND METHOD FOR STATISTICAL PERFORMANCE

MONITORING

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §3.73(b)

BMC Software, Inc., hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of a chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below.

From <u>Yiping Ding</u> and <u>Kenneth W. Newman</u> to <u>BMC Software</u>, <u>Inc.</u> The document was recorded at the United States Patent and Trademark Office on <u>February 25, 2004</u> at Reel <u>015028</u>, Frame <u>0009</u>.

Please direct all telephone calls and correspondence to:

BRAKE HUGHES BELLERMANN LLP CUSTOMER NUMBER 93236

The undersigned is authorized to act on behalf of the owner.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of BMC Software, Inc., the assignee.

Date: January 19, 2012 By: /Joseph F. Key, Reg. No. 44,827/

Joseph F. Key Reg. No. 44,827